

Date: 10/22/97

In the Matter of:)	Case No:	97-ERA-0003
)		
JERALD JONES)		
)		
Complainant,)		
)		
vs.)		
)		
PACIFIC GAS & ELECTRIC)		
COMPANY)		
)		
Respondent.)		
)		

RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT

The above-captioned matter arises under the Energy Reorganization Act, 42 U.S.C. § 5851, and pursuant to 29 CFR Part 24. On September 22, 1997, the parties filed a proposed settlement agreement that, if approved by the Secretary of Labor, would resolve all issues and allow for the dismissal of this matter with prejudice.

As required by the relevant regulations and statutory provisions, I have reviewed the agreement to determine if its terms are fair, adequate, and reasonable. After doing so, I conclude that the terms of the agreement are, in fact, fair, adequate, and reasonable and that the agreement should therefore be approved.

It is noted that although the agreement contains confidentiality provisions (§8), it contains no provisions which may prevent or deter the complainant from reporting any wrongdoing by the respondents to federal and state agencies or testifying about the subjects of his past complaints. It is also noted that although the parties have agreed to keep the financial terms of the agreement confidential, the agreement contemplates full disclosure of its terms to the Department of Labor and other judicial or administrative bodies as required by law. The parties have certified (§5) that this is the sole agreement between them arising out of the factual circumstances forming the basis of this claim. Finally, it is noted that the amounts to be paid to the complainant and his attorney are appropriate, and that, in negotiating of the terms of the agreement, all parties were represented by apparently well-qualified attorneys who appear to be fully aware of all relevant facts and legal principles. Accordingly, it is recommended:

- 1) That the Secretary of Labor or his designees on the Administrative Review Board approve the settlement agreement;

- 2) That the claim of Jerald Jones against the above-referenced respondent be dismissed with prejudice; and
- 3) That the settlement agreement be given such restricted handling as may be necessary to comply with the provisions of 29 CFR § 70.26 per the parties' request in ¶8.

Dated:
San Francisco, California

ALEXANDER KARST
Administrative Law Judge

NOTICE: This Recommended Decision and Order and the administrative file in this matter have been forwarded for review by the Administrative Review Board, United States Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The Administrative Review Board is responsible for issuing final agency decisions under the Energy Reorganization Act of 1974. See 29 CFR Parts 24 and 1978, 61 Fed. Reg. 19981 (May 3, 1996).